IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928

WP(C).No. 33560 of 2006(T)

PETITIONER:

K.C.THOMAS,
KAKKATTIL HOUSE, MAKKAPUZHA, RANNY.

BY ADV. SRI.O.D.SIVADAS

RESPONDENTS:
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1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
PATHANAMTHITTA.

2. THE STATE TRANSPORT APPELLATE TRIBUNAL,
ERNAKULAM.

BY GOVERNMENT PLEADER SMT. M.K.PUSHPALATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 33560/2006 T

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE PROCEEDINGS DT. 16/5/2003 ISSUED BY THE RESPONDENT TO THE PETITIONER.

EXT.P2. COPY OF THE LAST TEMPORARY PERMIT ISSUED BY THE RESPONDENT TO THE PETITIONER.

EXT.P3. COPY OF THE PROCEEDINGS DT. 16/5/2006 ISSUED BY THE RESPONDENT TO THE PETITIONER.

EXT.P4. COPY OF THE ORDER DT. 30/11/2006 IN MVARP NO. 273/2006 PASSED BY THE STAT.

EXT.P5. COPY OF THE REPRESENTATION BY THE CONVENER, KUNNAM POURASAMITHI BEFORE THE R1.

EXT.P6. COPY OF THE REPRESENTATION SUBMITTED BY THE KIZHAKKANOTHARA POURA SAMITHI BEFORE THE R1.

EXT.P7. COPY OF THE REPRESENTATION DT. 3/2/2007 SUBMITTED BY THE PRESIDENT, BEARACHAN FOUNDATION, OTHARA BEFORE THE R1.

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K.BALAKRISHNAN NAIR,J.

WP(C)NO.33560 OF 2006-T

Judgment

The petitioner has been granted a regular permit on the route Chengannur-Edamuri. Earlier he was operating on that route on the strength of temporary permits in the vacancy of the stage carriage KL-3/H-4036. The grant of permit as made subject to settlement of timings. At the time of conference the petitioner prayed, the time schedule of the above said vehicle which is contained in Ext.P1 may be grant to him. But, that contention was not accepted and the permit was issued for a different set of timings contained in Ext.P3. The main grievance of the petitioner is against The departure timings of the second and third trips. His vehicle arrives at Chengannur for the second trip at 11.02 am and departs at 11.15 am. There is only a time gap of 13 minutes. The petitioner submits, Edamuri is a remote area and it is the only service from there to Chengannur. Persons from Edamuri come to Chengannur in his service, make purchases and used to return by the very same bus, when it was plied as per the time schedule contained in Ext.P1. As per Ext.P1, there is a time gap of about 59 minutes. Now it is reduced to 13 minutes. So, his service as well as his passengers are affected, it is submitted. As far as the third trip is concerned, the arrival time at Chengannur is 4.32 pm and the departure time is 5.35 pm. There is a gap of more than one hour. This also affects him, it is submitted. Earlier, the time gap was only 23 minutes. The arrival was at 4.32 pm and the departure was at 4.55 pm. The petitioner challenged Ext.P3 timings before the STAT by filing a

revision. The said revision was dismissed by Ext.P4. The STAT held that there are not sufficient pleadings in the RP showing the nature of his grievance resulting from the change of the timings. The petitioner has produced certain representations filed by two Poura Samithies and also by a Balabhavan, which are produced as Exts.P5 to P7, in support of his claim. Therefore, the petitioner prays, Ext.P3 to the extent impugned, may be quashed and the departure timings for the 2nd and 3rd trips as provided under Ext.P1 may be restored.

2. I heard the learned Government Pleader appearing for the respondents also. I feel that if no other operator is affected, there cannot be any objection in granting the departure timings sought by the petitioner for the second and third trips. Accordingly, the matter is remitted to the Secretary, RTA, to consider the aforementioned grievance of the petitioner in the light of the observations made herein above within two months from the date of receipt of a copy of this Judgment. It is ordered that uninfluenced by anything contained in Ext.P4, the Secretary, RTA shall reconsider the matter. Needless to say, till such time, the petitioner shall operate according to Ext.P3 time schedule.

The Writ Petition is disposed of as above.

23.02.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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